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In re Application of	:	
COLLINS, Martin et al.	:	
Application No.: 10/562,750	:	DECISION
PCT No.: PCT/IB2004/002436	:	
Int. Filing Date: 01 July 2004	:	ON PETITION UNDER
Priority Date: 04 July 2003	:	
Docket No.: ABE-39290	:	37 CFR 1.47(a)
For: CABINET REFRIGERATING SYSTEM	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 17 September 2008.

BACKGROUND

On 19 February 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 17 September 2008, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors and the fee for a 5 month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (3) have been met. The \$200 petition fee has been paid. Applicant states the last known address of Dan Joslin as 1 Agness Lane; New Milford, CT 06776.

Item (2) has not been satisfied. Applicants must establish that applicants have made a diligent effort to locate the nonsigning inventor and to obtain his signature on the oath or declaration. The forwarding address for the last known mailing address of the nonsigning inventor has expired and it is unclear when he was last known to reside at that address. It is unclear why applicants would restrict their white pages search for an address for Mr. Joslin to the town of New Milford. Further, what is the significance of the address listed for Mr. Joslin on the declaration? It is not a New Milford or even a Connecticut address. Further efforts are required.

Item (4) has not been satisfied. While it is acceptable for inventors to execute separate copies of the declaration, each inventor must execute a declaration in compliance with 37 CFR 1.497(a)-(b), listing each inventor and each inventor's citizenship. The complete declaration executed by each inventor must

be returned to the Office. MPEP 605.04(a). Separate declarations may not be pieced together to create a single composite declaration. The declaration does not comply with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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